

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Northern District of New York

UNITED STATES OF AMERICA

v.

Angel M. Gomez

Case No. 1:19-MJ-147-DJS

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date(s) of September 2018 to on or about January 3, 2019, in the county of Schoharie in the Northern District of New York the defendant violated:

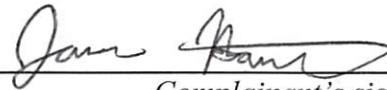
Code Section
18 U.S.C. § 2252A(a)(2)(A)

2

Offense Description
Distribution of Child Pornography

This criminal complaint is based on these facts:
See Attached Affidavit

☒ Continued on the attached sheet.



Complainant's signature

James Hamilton, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: March 11, 2019



Judge's signature

City and State: Albany, NY

Hon. Daniel J. Stewart, U.S. Magistrate Judge

Printed name and title



AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Special Agent James Hamilton of United States Department of Homeland Security, Homeland Security Investigations (HSI), being duly sworn, depose and state as follows:

INTRODUCTION

1. I am a Special Agent with the U.S. Immigration and Customs Enforcement Office of Homeland Security Investigations (“HSI”) and have been since June 2002. As such, I am an investigative or law enforcement officer of the United States within the meaning of Title 18 United States Code, Section 2510(7), that is, I am an officer of the United States who is empowered by law to conduct investigations of and to make arrests for offenses enumerated in Title 18, United States Code, Section 2516(1). I have been a law enforcement officer for 21 years. I was a police officer for approximately 5 years and have been a Special Agent for 16 years. My career as a Special Agent began in June 2002 with the U.S. Customs Service, which is now known as U.S. Immigration and Customs Enforcement Homeland Security Investigations (HSI). Prior to my employment as a Special Agent, I was a police officer in the state of Tennessee from September 1997 until June 2002. As an HSI Special Agent, I am authorized to seek and execute federal arrest and search warrants for Title 18 criminal offenses, including offenses related to the sexual exploitation of minors, specifically those involving the possession, distribution, and receipt of child pornography, in violation of Title 18, United States Code, Sections 2252 and 2252A. I have a Bachelor’s of Science Criminal Justice degree and a Masters of Public Management degree. I have completed the Criminal Investigator Training Program and Customs Basic Enforcement School at the Federal Law Enforcement Training Center in Glynco, GA. During both basic training, and subsequent training, I received instruction on conducting online child pornography investigations. I have also been the affiant for and participated in the execution of numerous

Federal search warrants in child pornography and child exploitation investigations and have been the affiant of criminal complaints that stem from these investigations.

2. This affidavit is made in support of a criminal complaint charging ANGEL M. GOMEZ with violating Title 18, United States Code, Section 2252A(a)(2)(A), Distribution of Child Pornography.

3. The statements in this affidavit are based in part on my investigation of this matter, including information that has been told to me by other law enforcement officers. Since this affidavit is being submitted for the limited purpose of supporting a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that ANGEL M. GOMEZ has committed the crime of Distribution of Child Pornography, in violation of Title 18, United States Code, Section 2252A(a)(2)(A).

BACKGROUND OF THE INVESTIGATION

4. I am assigned to the Internet Crimes Against Children Task Force ("ICAC"). The ICAC is a task force that partners local, state, and federal law enforcement to investigate crimes involving child exploitation and child pornography. The ICAC task force maintains covert computers that utilize a law enforcement version of BitTorrent software, allowing the ICAC task force to conduct Peer to Peer (P2P) investigations.

5. P2P file sharing is a method of communication available to Internet users through the use of special software. Computers can be linked together through the Internet using this software from a network that allows for the sharing of digital files between users on the network. A user first obtains the P2P software, which can be downloaded from the Internet. In general, P2P software allows the user to set up file(s) on a computer to be shared with others running compatible

P2P software. BitTorrent, one type of P2P software, sets up its searches by keywords typically on torrent websites. The results of a keyword search are displayed to the user. The website does not contain the files being shared only the file referred to as a “torrent.” The user then selects a .torrent file from the results for download. This .torrent file contains instructions on how a user can download the file referenced in the Torrent. The download of a file is achieved through a direct connection between the computer requesting the file and the computer(s) sharing the actual files (not the torrent file but the actual files referenced in the .torrent file using any BitTorrent client). For example, a person interested in obtaining child pornographic images would open the BitTorrent program on his/her computer and conduct a keyword search for files using a term such as “preteen sex” or “PTHC.” The results of the search are returned to the user’s computer and displayed on the torrent site. The user selects a .torrent from the results displaying the file(s) he/she wants to download. Once the .torrent file is downloaded, it is used by a BitTorrent program that the user had previously installed. The .torrent file is the set of instructions the program needs to find the files referenced in the .torrent file. The file is downloaded directly from the computer or computers sharing the file. The downloaded file is stored in the area previously designated by the user and/or the software. The downloaded file will remain until moved or deleted.

6. The investigative software used by the ICAC task force identifies users of the network that are offering for sharing, files that are suspected child pornography based on the hash values of those files. When a user is identified that is sharing suspected child pornography, a task force computer can attempt to directly connect to the IP address offering the suspected child pornography and to download those files from the suspect IP address.

7. On Wednesday, September 26, 2018, a covert computer operated by New York State Police Computer Crimes Investigator Justin Stevens, who is also a member of the ICAC task

force, which was operating the law enforcement version of BitTorrent, was directed to a device at IP address 69.207.11.62 because it was associated on the network with one or more files of investigative interest related to child pornography investigations. A direct connection was made to the device at IP address 69.207.11.62, hereinafter referred to as the Suspect Device. The Suspect Device reported that it was using BitTorrent client software UT354S-µTorrent 3.5.4. Between September 26, 2018, and September 27, 2018, three files were downloaded from the Suspect Device to the covert computer through a single source connection. Investigator Stevens reviewed the downloaded files and determined that the downloaded files contained child pornography. A description of the files that were downloaded are as follows:

- a. Title: (Hussyfan)(Pthc)(R@Ygold)(India Lolita) Euman Hindoo Inde Girls 10 000002.avi; SHA Value: Z06LKJ7L0LJAHJB4PIQ2F A55MVNSA Y 4D
Description: This is a partial video that depicts a nude female child, likely age 4 to 6, touching an adult male's penis. The child has no breast development and is notably smaller than the adult male.
- b. Title: (kinderkutje pthc pedo)sick kids russian movie 6-14 000007.avi; SHA Value: DFPWSP3B2D40KHFXZRKS766NAR7KBTZM; Description: This is a video that depicts a nude female prepubescent child, who appears to be approximately 12 years old, engaged in sexual acts. The child is lying naked on a bed, wearing a mask that covers her face. An adult hand of a person who is not seen in the video is rubbing and masturbating the vagina of the naked girl.
- c. Title estefy en4 sentada y montada.wmv; SHA Value: 2P6I5HEQL2QWMPWJLEERNOF7W2RR5PM; Description: This is a video that depicts a nude female child, who appears to be less than 10 years old engaged

in sexual acts with an adult male. Throughout the video the female child is engaged in sexual intercourse with the adult male in various positions that all appear to be dictated by the adult male.

8. A Department of Homeland Security (DHS) administrative summons was prepared by myself and Investigator Stevens and sent to TWC/Charter Communications, an internet service provider, in order to determine the subscriber information associated with IP address 69.207.11.62. Information provided by TWC/Charter Communications showed that the subscriber to IP address 69.207.11.62 was ANGEL M. GOMEZ, residing at 210 Saint Charles St. Apt. 2 Johnson City, NY 13790.

9. Investigator Stevens initiated a background investigation on subscriber ANGEL M. GOMEZ. During that investigation Investigator Stevens checked with the United States Postal Inspection Service to find out who was getting mail at 210 Saint Charles St. Apt. 2 Johnson City, NY. On 10/25/2018, Investigator Stevens was informed that postal records indicated that ANGEL M. GOMEZ put in a family change of address effective 8/22/2018 from 210 Saint Charles St, Johnson City, NY to 318 Main St. Richmondville, NY 12149.

10. Investigator Stevens continued to check his investigative computer for additional BitTorrent downloads from IP Address 69.207.11.62. On Wednesday, December 12, 2018, Investigator Stevens was conducting an online investigation on the BitTorrent network for offenders sharing child pornography. An investigation was initiated for a device at IP address 69.207.11.62, because it was associated with a torrent with the infohash: 54eac86d1ee923d21ecd65f5648dcb9b85f4e848. This torrent file references 239 files, at least one of which was identified as being a file of investigative interest to child pornography investigations. Using a computer running investigative BitTorrent software, a direct connection was made to the device at

IP address 69.207.11.62, hereinafter referred to as “Suspect Device.” The Suspect Device reported it was using BitTorrent client software -UT354S-µTorrent 3.5.4.

11. Between Wednesday, December 12, 2018 and Thursday, December 13, 2018, a download was successfully completed of the following three files that the device at IP address 69.207.11.62 was making available:

- a. Title: 4yo Princess sucks.mp4; SHA Value: RGA4A7DPYQTG6NRY3ABWI27MA555FSPT; Description: This is a video approximately 51 seconds long. The video depicts a partially nude female child, likely age 4 to 6, performing oral sex on an adult male. The child has no breast development and is notably smaller than the adult male.
- b. Title: 5yo Kait.avi; SHA Value: C7PJ5PFPON4VE:2PFSFOQUZD5LQVBFIDQ; Description: This a video approximately I minute and 25 second long. The video begins while focused on the genital area of a prepubescent girl, approximately 3-years-old, as an adult male pushes his penis into her genitals. The child is heard to say “daddy.” The child has no pubic hair and is notably smaller than the adult male. The video then cuts to a second zoomed in shot of a child's genitals, who is approximately 3-years-old. An adult male can be seen sticking his penis into the child’s genitals.
- c. Title: 4yo 2 Girls (fuck, handjob, suck, sex toys).mpg; SHA Value: DFF6V7BITVLKXZ26UWXZMMMMKY7N02LO; Description: This is a video approximately 4 minutes and 39 seconds in length that shows two nude prepubescent females who appear to be three to five years old. The estimated age is based on their size, facial features, pubic development, and muscle development.

The females both perform oral sex on a male who is not fully seen on the camera.

The video also depicts a scene where one of the prepubescent females is vaginally penetrated by a sex toy and then anally penetrated by a mature male while still using the vibrator on her vaginal area. The mature male then ejaculates on the vaginal area of the young female as it shows her sucking her thumb.

12. The device at IP Address 69.207.11.62 was the sole candidate for each download, and as such, each file was downloaded directly from that IP Address.

13. A second DHS summons was prepared and sent to Charter Communications seeking subscriber information for the IP address 69.207.11.62. Updated account information provided by Charter Communications to Investigator Stevens demonstrated that the subscriber to 69.207.11.62 was ANGEL M. GOMEZ, residing at 318 E. Main St., Richmondville, NY 12149, with username 210stcharles112@twc.com and account number 387445006.

14. Based on his investigation and experience, and the facts established in the above paragraphs, Investigator Stevens concluded that a computer using IP address 69.207.11.62 was distributing files containing child pornography.

EXECUTION OF STATE SEARCH WARRANT

15. Investigator Stevens applied for a warrant to search 318 E. Main St., Richmondville, NY 12149 and any other areas the residents might have had custody or control of (e.g. the basement, the garage and other curtilage, outbuildings, or vehicles on the property). The warrant was signed by Town Justice Herbert Needleman on January 2, 2019.

16. On January 3, 2019, New York State Police officers executed the search warrant, and seized several electronic devices, including a HP model 17-e123cl laptop computer, serial number 5CD4101595; a Samsung model SM-G900T mobile phone, serial number R38F91238TZ;

an Apple iPad Pro Model A1584, serial number DLXR32QAGMLF; a Matsunichi model DM256 external hard drive (no serial number listed); and a Seagate model SRD00F1 external hard drive, serial number NA9FSXLB. These items were seized from ANGEL M. GOMEZ's bedroom within the residence and were later analyzed for child pornography by Investigator Darryl Bazan at the New York State Police Troop G Computer Crime Unit in Latham, New York.

17. Investigator Darryl Bazan conducted a computer forensic lab preview of the seized items listed in paragraph 16, he found child pornography files located on each of ANGEL M. GOMEZ's devices that were seized from his bedroom inside his residence. For example, on the HP laptop computer, 2,663 image files consistent with child pornography were found; on his cell phone, 6 images and 2 videos of child pornography were found; on his Apple iPad Pro, 54 child pornography images and 2 child pornography videos were found; on his Matsunichi external hard drive, 1,819 child pornography images were found; and on his Seagate external hard drive, 900 images of child pornography were found. The full examination of these devices is pending, however, I have reviewed the files discovered during the forensic previews and found that most, if not all of the files constitute child pornography. Examples of images that were found are listed below:

- a. On the HP laptop computer, SHA Value B0D693210C0920E489B9DE26ADC0BE601B6AEEEF, is an image file that depicts a prepubescent naked girl, approximately 8 years old, lying on top of an orange fleece blanket. The girl is wearing a white baby bonnet and has a blue pacifier in her mouth. The girl's upper body is propped up on her elbows, and her left leg is raised with her knee next to her head, displaying her vagina in a sexually explicit lascivious manner. The girl's body from her chest region to her vaginal

region are the focus of the image. This file was saved to ANGEL M. GOMEZ's computer using filepath Users\Angel\Downloads\AG-121 10 YO BLND WEB-LOTS GD VID\8Yo Playtoy (Pedo Stars)3 Sets\3.

- b. On the Samsung cell phone, filename hotube.in_3bn7b1m71016.mp4 is 39 second video clip depicting a naked girl, approximately 8-10 years old, posing for the camera. In the video, she grabs her vagina from the front, then spreads her vagina, then turns around, spreading her buttocks for the camera, exposing the inside of her anus and vagina to the camera. The file was saved on ANGEL M. GOMEZ's cell phone using filepath Media/Card/angel's wallpapers/hotube.3bn7b1m71016.mp4.
- c. On the Apple iPad Pro, filename video_0021117.mov is a 2 minute 19 second video file depicting a prepubescent naked girl whose face is not visible, but body size and finger size appear to be approximately 10-12 years old. An adult penis is inserted into the girl's vagina engaged in sexual intercourse, and the penis ejaculates semen onto the vaginal area. The girl then rubs the semen on her skin with her fingers. The file is saved to ANGEL M. GOMEZ's iPad using filepath Angel/Applications/com.enchantedcloud.photovault/Library/9/Video_0021117.mov.

18. As the search of search of ANGEL M. GOMEZ's residence was ongoing, Investigator Stevens and Investigator John Keough conducted an interview with ANGEL M. GOMEZ. During the interview, ANGEL M. GOMEZ was advised of and waived his *Miranda* rights and then admitted that the devices located at his home were his, and admitted to downloading and distributing files containing child pornography using the filesharing program uTorrent. ANGEL M. GOMEZ first referred to the files he downloaded as "illegal content," then clarified

that it was “child pornography,” with some files depicting children as young as 5 years old. Additionally, Investigator Stevens showed ANGEL M. GOMEZ pictures taken from the videos that Investigator Stevens downloaded from ANGEL M. GOMEZ’s IP address. ANGEL M. GOMEZ identified one image that was a screenshot from a video Investigator Stevens downloaded, titled 5yo Kait.avi and described in paragraph 11(b), as an image that he recognized as something that he downloaded onto his computer. During the interview, ANGEL M. GOMEZ also stated that he searched for child pornography using the search terms “kid porn” and “illegal content,” and that he would save as much child pornography that he could download because he wanted to see how long it would take before he was caught. Investigator Stevens said in the interview that it is illegal to download and look at child pornography, to which ANGEL M. GOMEZ replied “I know that.”

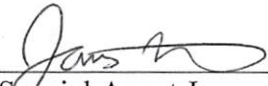
19. Subsequently on January 3, 2019, ANGEL M. GOMEZ was arrested on State felony charges, specifically violation of N.Y.P.L Section 263.15 (Promoting a Sexual Performance of a child under 17) and N.Y.P.L. Section 263.16 (Possessing a Sexual Performance of a child under 16). A status hearing was held in the matter in State Court in Schoharie County on January 23, 2019, and ANGEL M. GOMEZ was released on bond. No conditions of release were imposed by the court on ANGEL M. GOMEZ.

20. The address where ANGEL M. GOMEZ lives and the search warrant was executed, 318 E. Main St., Richmondville, NY 12149, is across the street from the Joseph B. Radez Elementary School.

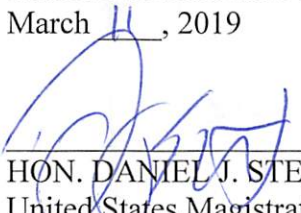
CONCLUSION

21. Based on the foregoing information, there is probable cause to conclude that ANGEL M. GOMEZ did knowingly distribute child pornography using a means and facility of

interstate and foreign commerce, and in and affecting such commerce, that is, through downloading and sharing video files depicting child pornography over the internet using the BitTorrent file sharing application, in violation of Title 18, United States Code, Section 2252A(a)(2)(A).


Special Agent James Hamilton
Homeland Security Investigations

Subscribed and sworn to before me on
March 11, 2019


HON. DANIEL J. STEWART
United States Magistrate Judge